

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2715

February 8, 2012

**SUMMARY OF BILL:** Assigns state recognition with full legal rights and protections to three Native American Indian groups: Remnant Yuchi Nation, Tanasi Council, and United Eastern Lenape Nation of Winfield. Authorizes the Department of Environment and Conservation (TDEC) to promulgate rules and regulations. Grants the Tennessee Native American Council the authority to review applications for recognition. Requires the Council to forward any recommendations to the Tennessee General Assembly.

**ESTIMATED FISCAL IMPACT:**

**Other Fiscal Impact – According to TDEC, in the event that state recognition of Native American Indian groups leads to an increase in claims for human remains and funerary objects, an increase in recurring state expenditures of \$55,900 will be required for additional staffing. The timing and duration of these expenditures cannot be determined. Secondary impacts such as tourism related revenue and expenditures cannot be determined. A possible shift of Temporary Assistance for Needy Families and Community Service Block Grants from DHS to the Native American groups; any net impact will be not significant.**

Assumptions:

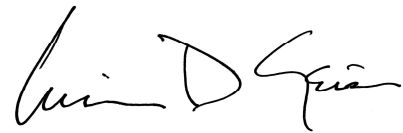
- Any increase in state expenditures for the General Assembly to receive and review recommendations and officially recognize Native American Indian groups will be not significant.
- According to the Department of Tourist Development, a determination of the impact on tourism cannot be determined.
- Non-profit Native American groups currently hold events in Tennessee. Native American attractions have been built or are in the process of being built in Tennessee in the absence of this bill. Any increase in the number of events or attractions as a result of state recognition cannot be determined.
- According to TDEC, this bill may allow state recognized tribes to claim skeletal remains and burial objects held by the Division of Archaeology under the federal Native American Graves Protection and Repatriation Act (NAGPRA).
- One Archaeologist II position will be required in the event that there are an increased number of claims for human remains and funerary objects by the groups that will receive

state recognition. An increase in recurring state expenditures of \$55,886 (\$34,428 salary + \$11,058 benefits + \$10,400 operational). The precise number of groups seeking recognition, the number of groups ultimately granted recognition, and the number of claims for human remains and funerary objects cannot be reasonably determined. Therefore, the need for additional positions and the timing of any necessary positions cannot be determined.

- Tenn. Code Ann. § 4-34-202, authorizes Native American Indians recognized by a federally recognized tribe or a state, the right to receive minority based scholarships, grants, and benefits awarded by the University of Tennessee or any Tennessee school system.
- According to the Tennessee Student Assistance Corporation (TSAC), there will be no impact on TSAC administered programs.
- Any increase in state expenditures for the University of Tennessee or the Tennessee Board of Regents to review additional applications for minority focused scholarships will be not significant.
- According to the Department of Human Services (DHS), there is potential for this bill to divert federal Temporary Assistance for Needy Families and Community Service Block Grants from DHS to the Native American groups. The net impact of funding will be not significant. Any impact on DHS will be not significant.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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